



12-14-06

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: 040025U007 (formerly 03100185AA)

Patent Application of: Norbert Lamping

Patent Application For: **METHOD FOR DETECTING CHRONIC DEMENTIA DISEASES,
AND CORRESPONDING VGF PEPTIDES AND DETECTION
REAGENTS**

Application No.: 10/680,087

Filing Date: October 6, 2003


M/S Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF SERVICE BY US POSTAL SERVICE EXPRESS MAILING

I hereby certify that the listed patent application documents are being deposited with the United States Postal Service with sufficient postage as an Express Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Dated: December 12, 2006 bearing express mail number ER 989756875 US.

1. Response to Restriction/Election Requirement (plus copy)
2. Certificate of Express Mail
3. Return Post Card


Vickie Hoeft

SILLS CUMMIS
EPSTEIN & GROSS P.C.
The Legal Center
One Riverfront Plaza
Newark, NJ 07102
Tel: (973)-643-7000



Docket No. 040025U007 (formerly 03100185AA)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Norbert Lamping

Filed: October 6, 2003

Group Art Unit: 1649

Serial No: 10/680,087

Examiner: C. Borgeest

For: METHOD FOR DETECTING CHRONIC DEMENTIA DISEASES,
AND CORRESPONDING VGF PEPTIDES AND DETECTION
REAGENTS

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

This Reply is in response to the Office Action mailed November 15, 2006 in the above-captioned application. A response is due on or before December 15, 2006.

I. Restriction Requirement

In the Office Action, the Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- Group I: Claims 1-20, 23-24 and 27-29 drawn to methods of detecting disease comprising obtaining a biological sample from a patient, determining the concentration of at least one VGF protein or VGFARP peptide in said sample and comparing the concentration, wherein a difference between the concentration of the VGF protein or the VGF ARP peptide in the control sample is indicative of disease, classified, for example, in class 435, subclass 7.1.
- Group II: Claims 21-22 and 25-26 drawn to methods of detecting disease comprising obtaining a biological sample from a patient, determining the concentration of at least one nucleic acids that encode VGF protein or VGFARP peptide in said sample and comparing the concentration of the nucleic acids that encode VGF protein or the VGF ARP peptide in the control sample is indicative of disease, classified, for example, in class 435, subclass 7.1.

- Group III: Claims 30-43 drawn to methods of prophylaxis or treatment of a neurological disease comprising administering a substance that causes modulation of the concentration of at least one VGF protein or VGRARP peptide in a quantity sufficient to treat the neurological disease, classification dependent upon the identity of the recited substance.
- Group IV: Claims 44-50 and 53 (in part) drawn to VGFARP peptides and pharmaceutical composition comprising the VGF protein or VGFARP peptide, classified for example in class 530, subclass 300.
- Group V: Claims 51-52, 53 (in part) and 57, drawn to nucleic acids that encode VGFARP peptides and a pharmaceutical composition comprising the nucleic acid that encodes the VGF protein or VGFARP peptide, classified for example, in class 536, subclass 23.1.
- Group VI: Claims 54-56 are drawn to antibodies to VGF protein or VGFARP peptide, classified, for example in class 530, subclass 387.1

Applicant elects the claims of **Group I**, without traverse, for prosecution on the merits in the present application. Applicant reserves the right to prosecute the non-elected claims in a Divisional application.

II. Election of Species

The Office Action also requires that Applicant elect a single species of amino acid sequence as recited in claims 2-3; 48-49. Pursuant to the requirement for election under 35 U.S.C. §121, Applicant elects VGF-peptide sequence in SEQ ID NO: 11 (VGFARP-13, shown in Fig. 6R). Claims 1-57 are readable on the elected species. Applicant acknowledges that upon allowance of a generic claim, it will be entitled to consideration of claims to additional species which depend or otherwise require all the limitation of an allowable generic claim pursuant to 37 CFR 1.141.

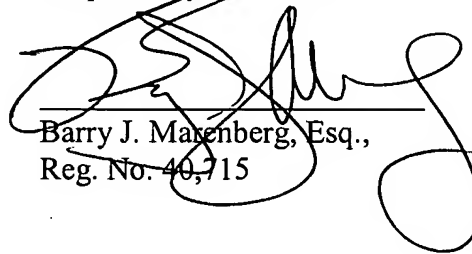
Further, the Office Action requires that Applicant elect a single disclosed species of a “substance”. Pursuant to the requirement for election under 35 U.S.C. §121, Applicant elects

substance b. – VGFARP Peptides or VGF Proteins. Claims 1-57 are readable on the elected species. Applicant acknowledges that upon allowance of a generic claim, it will be entitled to consideration of claims to additional species which depend or otherwise require all the limitation of an allowable generic claim pursuant to 37 CFR 1.141.

No fee is believed to be due for the submission of the above-listed items.

If any fee should be due, the Commissioner is hereby authorized to charge any additional fee, or credit any overpayment to Deposit Account No. 03-1250. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,



Barry J. Marenberg, Esq.,
Reg. No. 40,715

Date: December 12, 2006

Sills Cummis Epstein & Gross P.C.
One Riverfront Plaza
Newark, NJ 07102
Telephone: (973) 643-7000